



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAIL STOP RCE

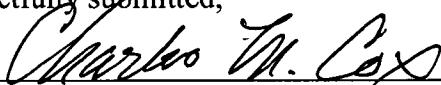
In re Applicant: § Confirmation No.: 4718
§
§ Jon D. Cameron
§
§ Filed: December 6, 1997 § Art Unit: 2876
§
§ Serial No.: 08/986,287 § Examiner: St. Cyr, D.
§
§ For: THERMOCHROMIC BAR § Docket No.: JCMN-27,738US
CODE §

COMMUNICATION

Concurrent with the filing of the Extension of Time and fee therefore, and the Request for Continued Prosecution, a Petition Under 35 C.F.R. 1.182 asking for a decision that a Power of Attorney by Tobin Gaedke to Charles M. Cox, Registration No. 29,057, be accepted to make the Request for Extension and Request for Continued Examination timely filed effective November 24, 2004. A copy of the Petition Under 37 C.F.R. 1.182 is enclosed.

Respectfully submitted,

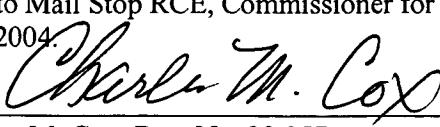
Date: November 24, 2004


Charles M. Cox, Reg. No. 29,057

AKIN GUMP STRAUSS HAUER & FELD, LLP
1111 Louisiana Street, 44th Floor
Houston, Texas 77002
Telephone: (713) 220-5800
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, Express Mail, airbill no. EV 479327422US addressed to Mail Stop RCE, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on November 24, 2004.


Charles M. Cox, Reg. No. 29,057



CHAUZA & HANDLEY, L.L.P.
ATTORNEYS AT LAW - PATENT, TRADEMARK AND COPYRIGHT MATTERS

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November 19, 2004

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Edward F. Fernandes, Esq.
AKIN, GUMP, STRAUS,
HAUER & FIELD, L.L.P.
300 West 6TH Street, Suite 2100
Austin, Texas 78701-2916

RE: Patent Application for a Thermochromic Bar Code
Application Serial No. 08/986,287, filed December 06, 1997
Our File No. JCMN-27,738US

Dear Mr. Fernandes:

This letter is to provide notice to you, and through you to your clients, Mr. Tobin Gaedke and his Assignee's, that we are not responding to an outstanding Office Action for the above-identified application. The Office Action was mailed May 24, 2004, and a response is due by November 24, 2004 with a three month extension of time.

If a response is not timely filed by November 24, 2004, the application will be abandoned.

Please do not hesitate to call should you have any questions.

Sincerely,

CHAUZA & HANDLEY, L.L.P.

Mark W. Handley

MWH/lv

cc: Mr. Jon Cameron
Jennifer A. Lloyd, Esq.
Geoffrey R. Unger, Esq.

EXHIBIT A

Copied from 09986287 on 02/02/2005

AKIN GUMP
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November 23, 2004

VIA FACSIMILE, EMAIL AND
CERTIFIED MAIL / RRR

Mark W. Handley
Chauza & Handley, L.L.P.
MacArthur Center II
5605 N. MacArthur Blvd., Suite 670
Irving, Texas 75038

Re: Patent Application for a Thermochromic Bar Code; Application Serial No. 08/986,287, filed December 6, 1997

Dear Mr. Handley:

I am in receipt of your November 19, 2004 letter regarding your decision to not respond to an outstanding Office Action for the above-identified patent application (the "287 Application").

My clients, Tobin Gaedke and Robert Sek, each claim an interest in the 287 Application and do not wish to abandon the application. However, due to your late notice of your intention to abandon the application, my clients are unable to file a response to the Office Action by November 24, 2004 to prevent abandonment of the application.

Therefore, please file a request for three-month extension of time and request for continued examination, together with the applicable fees, by tomorrow to prevent abandonment of the 287 Application. My clients will reimburse you for your fees and expenses.

If you have questions, please call me to discuss.

Very truly yours,

Edward F. Fernandes

c: By Facsimile, Email and
Certified Mail / RRR
Geoffrey R. Unger
Jennifer A. Lloyd

OIPE
 NOV 24 2004
 JC98
 U.S. PATENT & TRADEMARK OFFICE

FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision

Total Amount of Payment \$ 680471.0001

Complete if Known	
<i>Application Number</i>	08/986,287
<i>Filing Date</i>	December 6, 1997
<i>First Named Inventor</i>	Jon D. Cameron
<i>Examiner Name</i>	Daniel St. Cyr
<i>Group / Art Unit</i>	2876
Total Amount of Payment	\$ 680471.0001
Attorney Docket No.	

METHOD OF PAYMENT (check one)	
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to: Deposit Account No.: <u>16-2435</u> Deposit Account Name: <u>Akin Gump Strauss Hauer & Feld, LLP</u>	
<input checked="" type="checkbox"/> Charge any additional Fee Required Under 37 CFR §§ 1.16 & 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	
2. Payment Enclosed: <input type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Credit Card <input type="checkbox"/> Other	

FEE CALCULATION

1. Basic Filing Fee

Large Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1001	\$ 790	2001	\$ 395	Utility Filing Fee	\$
1002	\$ 350	2002	\$ 175	Design Filing Fee	\$
1003	\$ 550	2003	\$ 275	Plant Filing Fee	\$
1004	\$ 790	2004	\$ 395	Reissue Filing Fee	\$
1005	\$ 160	2005	\$ 80	Provisional Filing Fee	\$
Subtotal (1)					

2. Extra Claim Fees

Claims	Extra	Fee (below)	Fee Paid
Total	-20** =	x \$	= \$
Indep.	3** =	x \$	= \$
Multiple Dependent			\$

** or number previously paid, if greater.

For Reissues, see below

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description
\$ 18	\$ 9	Claims in excess of 20
\$ 88	\$ 44	Independent claims in excess of 3
\$ 300	\$ 150	Multiple dependent claim, if not paid
\$ 88	\$ 44	**Reissue independent claims over original patent
\$ 18	\$ 9	**Reissue claims in excess of 20 and over original patent
Subtotal (2)		\$

FEE CALCULATION (continued)	
3. Additional Fees	
Large Fee Code	Large Entity
1051	\$ 130
1052	\$ 50
1812	\$2,520
1804	\$920*
1805	\$1840*
1251	\$ 110
1252	\$ 430
1253	\$ 980
1254	\$1,530
1255	\$2,080
1401	\$ 340
1402	\$ 340
1403	\$ 300
1452	\$ 110
1453	\$1,370
1501	\$1,370
1502	\$ 490
1503	\$ 660
1460	\$ 130
1807	\$ 50
1806	\$ 180
8021	\$ 40
1809	\$ 790
1801	\$ 790
1802	\$ 900
Other fee (specify): _____	
Other fee (specify): _____	
* Reduced by Basic Filing Fee Paid	
Subtotal (3)	
\$ 885.00	

Submitted by


Charles M. Cox, Reg. No. 29,057

Date: 11/24/2004

Express Mail No. EV 479327422 US